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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,173	02/10/2006	Walid Ali	PHUS030273US	6165
38107 7590 06/02/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143				
EXAMINER BEHRINGER, LUTHER G				
ART UNIT		PAPER NUMBER		
3766				
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06/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/568,173

**Applicant(s)**

ALI, WALID

**Examiner**

LUTHER G. BEHRINGER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

***Response to Amendment***

1. This office action is in response to the communication received on 04/03/2008 concerning application no. 10/568173 filed on 02/10/2006.
2. Applicant's arguments with respect to claims 1 – 16 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1 – 3, 5, 7 – 9, 11 and 13 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Stadler et al (US 6,397,100, herein Stadler)**.

Regarding **claim 1 and 13**, Stadler discloses a device comprising: a controller, *a digital controller/timer (DCT) circuit or the microprocessor 110* (Col. 13, Lines 11 – 19); a memory coupled to the controller (Col. 12, Lines 51 – 57); and an input interface which receives at least two event signals, *via separate electrode leads 302 and 303* (Fig. 1D), wherein the controller determines: a global correlation, *determined from the larger group of serially obtained samples*, for the at least two event signals over a first period of time, determines a local correlation, *from the samples stored before the event*, for the at least two event signals over a second period of time which is shorter than the first period of time, determine a correlation vector deviation between a local correlation

vector and a global correlation vector, determine an average deviation, **S124**, from the correlation vector deviation and determine whether an artifact, *noise*, was detected in one of the at least two event signals (Col. 17, Lines 32 – 67; Fig. 7).

Regarding **claim 7**, Stadler discloses a method for detecting a signal artifact in event signals, the method comprising the steps of: receiving at least two event signals; determining a global correlation for the at least two event signal over a first period of time; determining a local correlation for the at least two event signals over a second period of time which is shorter than the first period of time; determining a correlation vector deviation between a local correlation vector and a global correlation vector; determining an average deviation from the correlation vector deviation; and determining whether an artifact was detected in one of the at least two event signals based upon the average deviation, **S124** (Col. 17, Lines 32 – 67; Fig. 7).

Regarding **claim(s) 2, 8, and 14**, Stadler inherently discloses wherein said device is a patient monitoring system (Abstract).

Regarding **claim(s) 3, 9, and 15**, Stadler discloses wherein said at least two event signals are monitored patient data signals (Column 4, lines 45 – 47).

Regarding **claim(s) 5 and 11**, Stadler discloses a memory for recording the at least two event signals (Col. 12, Lines 51 – 57).

Regarding **claim 16**, Stadler discloses the method further including: means for monitoring, at least one physiological parameter of a patient and generating the at least two event signals, said at least two event signals conveying patient physiological parameter data (as stated in claim 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim(s) 4, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stadler et al (US 6,397,100, herein Stadler)** in view of **Snyder et al. (US 6,287,328, herein Snyder)**.

Regarding **claim(s) 4 and 10**, Stadler discloses all of the limitations (as stated above) except for an alarm indicator coupled to the controller, the alarm indicator being triggered if at least one of the event signals crosses a preset threshold value and the controller determines that no artifact was detected in the at least one event signal.

However, Snyder teaches an indicator coupled to the controller capable of being an alarm, the alarm indicator being triggered if at least one of the event signals crosses

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a preset threshold value and the controller determines that no artifact was detected in the at least one event signal (Column 11, lines 49 and 50).

6. A person of ordinary skill in the art, upon reading the reference, would have recognized the desirability of incorporating an alarm indicator to achieve greater patient safety. Thus, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Stadler to include an alarm indicator as taught by Snyder, since an alarm indicator could enable prompt patient care in emergency situations.

Regarding **claim(s) 6 and 12**, Stadler fails to disclose wherein said device includes a server forming part of a client-server network.

However, Snyder teaches wherein said device includes a server forming part of a client-server network (Column 8, lines 62 –67).

7. A person of ordinary skill in the art, upon reading the reference, would have recognized the desirability of incorporating a server to access a client server network. Thus, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Stadler to include a server forming part of a client-server network as taught by Snyder, since making the patient data available over a network could enable faster response times while monitoring a patient.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Garfield et al. (US 2002/0193670)**.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUTHER G. BEHRINGER** whose telephone number is (571)270-3868. The examiner can normally be reached on Mon - Thurs 8:00 - 5:30; 2nd Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on (571) 272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl H. Layno/  
Supervisory Patent Examiner, Art Unit 3766

/Luther G Behringer/  
Examiner, Art Unit 3766